



C. Mark Kingseed, Mayor
Gregory B. Horn, City Manager

CITY OF CENTERVILLE
Policy Memorandum for the Care and Maintenance of Drainage Ways

A. Purpose and Intent:

1. Establish guidelines assuring proper maintenance of all drainage ways in the City;
2. Establish a clear delineation of those public drainage ways which the City will inspect and maintain;
3. Establish a delineation of responsibility, including fiscal responsibility, of the City and property owners for inspection, maintenance, repair and general upkeep of both public and private drainage ways;
4. Reference existing laws established in the Centerville Municipal Code (Municipal Code), Chapter 1480, Centerville Property Maintenance Code (Property Maintenance Code), and Centerville Unified Development Ordinance (UDO) applicable to the inspection, maintenance, repair, and general upkeep responsibilities of property owners for both public and private drainage ways; and
5. Establish policy for the continued inspection, maintenance and repair of public drainage ways by the City.

B. Public Drainage Way

For purposes of this Policy Memorandum, a Public Drainage Way is any natural or manmade watercourse, detention or retention pond that exists in a public right-of-way, land owned by the City of Centerville or a public dedicated drainage easement on private property.

C. Private Drainage Way

For purposes of this Policy Memorandum, a Private Drainage Way is any natural or manmade watercourse, drainage swale, detention or retention pond that exists on privately held land devoid of any public right-of-way or drainage easement.

D. Inspection

1. The City will endeavor to inspect Public Drainage Ways annually, or more frequently if warranted by the City.

2. The City may inspect a Private Drainage Way in its normal course of duties as established in Section 104 of the Property Maintenance Code and Article 9.35 K 3 and 4 of the UDO, at the request of a property owner or in the case of a high water event.
3. Property owners are encouraged to inspect any public or private drainage way on their property or adjoining right-of-way as a part of their normal maintenance routine to assure the proper function of the drainage way, as a means to forestall major maintenance and repairs, and reduce the potential impact of a high water event to themselves and their neighbors.

E. Maintenance of Drainage Ways

1. Private Participation

- a) Private property owners will continue to be responsible for inspecting and maintaining drainage ways situated on their property and drainage ways on adjoining public right-of-way in accordance with Section 301 of the Property Maintenance Code and Article 9.35 K 4 of the UDO. Owners are obligated to maintain drainage ways in the same manner as the rest of their property. These tasks include all normal and routine maintenance such as mowing grass and weeding, removing brush and other vegetation, removing obstructions such as fallen trees and limbs and policing their yards for litter and other debris in accordance with Sections 302.2, 302.4, 302.16, and 507.1 of the Property Maintenance Code, and Sections 660.03, 660.04, and 660.14 of the Municipal Code and subject to the penalties thereof.
 - b) The placement of any object, fence, structure or barrier that obstructs or interferes with the design capacity of a drainage way is prohibited in accordance with Sections 660.04 c and 1026.08 of the Municipal Code and subject to the penalties thereof.
 - c) The placement of fill in or the alteration or relocation of any drainage way is prohibited by Articles 9.35 C and D and 9.37 T of the UDO and Section 1026.08 of the Municipal Code unless specifically approved by the City and subject to the penalties thereof.
 - d) Property owners have the right to form a private association where none exists for the purpose of drainage way maintenance and the collection of monies for such purpose. Such private association must comply with the requirements of Article 9.35 K 4 b of the UDO.
 - e) A private homeowners association has the same responsibility for maintenance of those drainage ways they own or are otherwise obligated to maintain as stated in E. 1. a) above and in accordance with Article 9.35 K of the UDO and subject to the penalties thereof.
2. Public Participation: The City will endeavor to provide for the maintenance of a Public Drainage Way across private property in accordance with the following:
- a) The drainage way is situated in an established drainage easement allowing the City to perform such work;

- b) The drainage way is an improved facility having shaped, stabilized channels with concrete or vegetative slopes/bottoms that was constructed or re-constructed in conjunction with a record plat, zoning master plan or development;
- c) Work performed will be only that work necessary for the proper function of the drainage way to protect the health, safety and welfare of impacted residents or property owners;
- d) Work performed shall be limited to the following:
 - 1) Removal of silt,
 - 2) Re-construction or repair of a concrete channel,
 - 3) Reshaping an improved ditch,
 - 4) Repair or replacement of any headwall,
 - 5) Channel stabilization including the installation of rip-rap or other material to stabilize a problem area or to avoid the recurrence of such problem, and
 - 6) Other maintenance necessary to assure the proper function of the drainage way.
- e) Excessive silting, erosion and/or other problem(s) causing a restrictive flow of water that originates principally from an off-site source and is beyond the control of the property owner(s) from where a problem is occurring, and where stabilization and restoration required is beyond the normal routine maintenance of the property owner(s);
- f) The City will repair minor maintenance problems, limited to Section E 2 c), d) and e) above, as the City is made aware of by a property owner, resident or through its own inspections;
- g) The City will notify a property owner of any maintenance issues that are stated in Section E 1 above, that the City becomes aware of by another property owner, resident or through its own inspections; and
- h) The City will include major drainage way maintenance or repair in its Capital Improvement Program subject to funding availability.

F. Emergency Maintenance

The City may provide immediate assistance necessary to repair or maintain a public or private drainage way in the event of an emergency that jeopardizes the public health, safety, and welfare.

G. Assessment

The City of Centerville retains the right to assess affected property owners for all or a portion of the cost associated with the maintenance and repair of a Public Drainage Way.

H. Cost Sharing

1. The City of Centerville will continue to be pro-active in its approach to stormwater management. As such, the City will entertain requests by a neighborhood association, homeowner association, or another government entity for future projects having mutual benefit to the City and said neighborhood, association or local government entity. Such existing and future projects would be separately negotiated and documented in accordance with the provisions of this Policy Memorandum.
2. The City may assume up to 100% of the cost of a maintenance project provided:
 - a) Financial resources exist to implement the project, and
 - b) The project is established in the Capital Improvement Program.
3. Projects initiated by written petition, signed by a majority of the abutting affected property owners, requesting City assistance for the common good may receive priority consideration in funding and scheduling. Commitments by property owners agreeing to participate up to 50% in the cost will receive higher priority than projects without adjoining property owner participation.

I. Parcel Development or Redevelopment

The City of Centerville shall require full compliance with all Stormwater and Drainage Standards as established in Article 9.35, and all Floodplain Design Standards as established in Article 9.37 of the UDO where development or redevelopment of land is proposed.

J. Easement Agreements with Other Government Agencies

This Policy Memorandum shall not repeal, supersede or cause to expire any easement between the City of Centerville and another Government Agency that establishes drainage policy.

K. Repeal of Adopted Policy Memoranda

This Policy Memorandum shall repeal or cause to expire all prior policy memoranda related to stormwater drainage issues adopted by the City of Centerville including, but not limited to Policy Memo 96-1 dated February 19, 1996, Policy Memo 87-1 originally adopted September 21, 1987 and readopted May 20, 1991 without change.

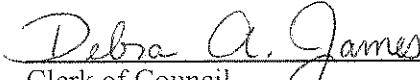
L. Policy Memorandum Approval

This Policy is hereby approved by City Council on the 19th day of April, 2010 and shall become effective immediately.



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio